

HOUSE No. 948

By Mr. Connolly of Everett, petition of Edward G. Connolly relative to notaries public. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO NOTARY PUBLICS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 222 of the General Laws, is hereby
2 amended by inserting after section 1 the following section:—

3 Section 1A. (1) A notarial act must not be performed unless the
4 notary public has personal knowledge or satisfactory evidence of
5 the identity of the person whose signature is notarized.

6 (a) Personal knowledge of identity means familiarity with an
7 individual resulting from interactions with that individual over a
8 period of time sufficient to ensure beyond a reasonable doubt that
9 the individual has the identity claimed.

10 (b) Satisfactory evidence of the identity of an individual con-
11 sists of either:

12 (i) at least on current document issued by a federal or state gov-
13 ernment agency bearing the photographic image of the individu-
14 al's face and signature and a physical description of the
15 individual, though a properly stamped passport without a physical
16 description is acceptable; or

17 (ii) the oath or affirmation of one credible person unaffected by
18 the document or transaction who is personally known to the
19 notary public and who personally knows the individual, or of two
20 credible persons unaffected by the document or transaction who
21 each personally knows the individual and shows the notary public
22 documentary identification as described in subparagraph (i).

23 (2) The maximum fees that may be charged by a notary public
24 for performing notarial acts are:

25 (a) For acknowledgements, \$5 per signature.

- 26 (b) For oaths or affirmations without a signature, \$5 per person.
27 (c) For oaths or affirmations with a signature, \$5 per signature.
28 (d) For any notarial act performed for a United States military
29 veteran or a firefighter, police officer, or sheriff's deputy applying
30 for a pension, allotment, allowance, compensation, insurance
31 policy, or other benefit resulting from public service, there is no
32 charge.

1 SECTION 2. Section 10 of said chapter 222, as appearing in the
2 2000 Official Edition is hereby amended by inserting before the
3 first paragraph the following paragraph:—

4 A notary public shall procure, keep, maintain, protect, and pro-
5 vide for lawful inspection a chronological journal of notarial acts
6 that is a permanently bound book with numbered pages, and this
7 book shall be kept by the notary public for at least five years after
8 the date of its last entry. However, a notary public who is either an
9 attorney at law admitted to practice in this state, or an employee
10 of such attorney, may in lieu of a journal of notarial acts maintain
11 a record of notarial acts in the form of office files regularly main-
12 tained for the attorney's law practice. For every notarial act, the
13 notary public shall record in the journal at the time of notariza-
14 tion:

- 15 (a) the date, time, and type of notarial act;
16 (b) the date and type, title, or description of the document or
17 proceeding;
18 (c) the signature or thumbprint, or both, printed name, and
19 address of the signer or principal;
20 (d) how identification of the signer or principal was made and a
21 description of the evidence of identity; and
22 (e) the fee charged for the act, if any.